

ORDINANCE 2022-023

**ORDINANCE TO VACATE A PART OF FOUR ALLEYS
AND A STREET IN MEDFORD, DELAWARE COUNTY, INDIANA**

WHEREAS, Susan Felton and Paul Voyles, having filed their Petition for Vacation of Part of Four Alleys and a Street in Medford, Delaware County, Indiana, the Board of Commissioners of Delaware County, Indiana, has provided notice, pursuant to Ind. Code § 36-7-3-12(c) and Ind. Code § 5-3-1 stating that it now desires to vacate parts of Washington Street and four (4) alleys located within Delaware County, Indiana, as illustrated in "EXHIBIT A" attached hereto (the "Vacation Area"), which said Vacation Area is generally described as follows:

TRACT 1:

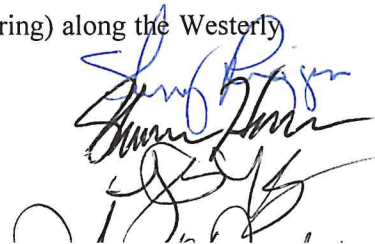
The vacation of unimproved Washington Street, the West Half of the unimproved alley at the East side of Lots 3 and 15, ALSO the vacation of the unimproved alley at the North side of Lots 3 and 4 in the Town of Medford as the same is platted in Plat Book 3, page 64 in the Records of Delaware County, Indiana, described as follows:

Beginning at a 5/8 inch rebar at the Southeast corner of Lot 3 in the Town of Medford; thence North 01 degrees 13 minutes 31 seconds West 125.00 feet (assumed bearing) to the Northeast corner of said Lot 3; thence South 88 degrees 46 minutes 29 seconds West 125.00 feet to the Northwest corner of Lot 4 in said town; thence North 01 degrees 13 minutes 31 seconds West 10.00 feet to the Southwest corner of Lot 14 in said town; thence North 88 degrees 46 minutes 29 seconds East 125.00 feet to the Southeast corner of Lot 15; thence North 01 degrees 13 minutes 31 seconds West 125.00 feet to the Northeast corner of said Lot 15; thence South 88 degrees 46 minutes 29 seconds West 125.00 feet to the Northwest corner of said Lot 14; thence North 01 degrees 13 minutes 31 seconds West 50.00 feet; thence North 88 degrees 46 minutes 29 seconds East 130.00 feet along the North line of Washington Street; thence South 01 degrees 13 minutes 31 seconds East 310.00 feet; thence South 88 degrees 46 minutes 29 seconds West 5.00 feet to the point of beginning, containing 0.21 acres, more or less.

TRACT 2:

The vacation of unimproved Washington Street, the East Half of the unimproved alley at the West side of Lot 2 and Lot 16. ALSO, the vacation of the unimproved alley at the North side of Lots 1 and 2 in the Town of Medford as the same is platted in Plat Book 3, page 64 in the Records of Delaware County, Indiana, described as follows:

Beginning at the Southwest corner of Lot 2 in the Town of Medford; thence South 88 degrees 46 minutes 29 seconds West 5.00 feet (assumed bearing) along the Westerly



STATE OF INDIANA }
DELAWARE COUNTY }
 } SS: BEFORE THE BOARD OF COMMISSIONERS
IN RE: } OF DELAWARE COUNTY, INDIANA
PETITION TO VACATE }

PETITION TO VACATE

**PART OF FOUR ALLEYS AND A STREET
IN MEDFORD, DELAWARE COUNTY, INDIANA**

The Petitioners, Susan Felton and Paul Voyles, by counsel, DeFur Voran, LLP, respectfully petition the Board of Commissioners of Delaware County, Indiana, (the "Board"), to vacate part of four alleys and a street located in the original plat of the Town of Medford, as more specifically described herein, and in support thereof state and reference the property to be vacated, as follows:

1. Petitioners Susan Felton and Paul Voyles own joint title, as tenants-in-common, to the following real estate located in Delaware County, Indiana, ("Parcel A"):

Lots 3, 4, 14, and 15 in the Town of Medford as the same is platted in Plat Book 3, page 64 in the Records of Delaware County, Indiana.

5630 E CR 500 S, Muncie, Indiana 47302

18-16-06-379-005.000-020

which Parcel A abuts a part of Washington Street (Lots 14 and 15), part of the east-west alley (between Lots 4 and 3 to the south, and Lots 14 and 15 to the north), and the western part of the north-south alley (between Lots 15 and 3 to the west, and Lots 16 and 2 to the east).

2. Petitioners seek to vacate said part of Washington Street, part of the east-west alley, and the western part of the north-south alley in the original Plat in the Town of Medford as shown on the survey drawing attached hereto as **Exhibit "A"**; and to have such vacated land revert according to the laws of the State of Indiana.

3. The aforementioned area which Petitioners seek to vacate (the "Vacation Area") is described as follows:

TRACT 1:

The vacation of unimproved Washington Street, the West Half of the unimproved alley at the East side of Lots 3 and 15, ALSO the vacation of the unimproved alley at the North side of Lots 3 and 4 in the Town of Medford as the same is platted in Plat Book 3, page 64 in the Records of Delaware County, Indiana, described as follows:

Beginning at a 5/8 inch rebar at the Southeast corner of Lot 3 in the Town of Medford; thence North 01 degrees 13 minutes 31 seconds West 125.00 feet (assumed bearing) to the Northeast corner of said Lot 3; thence South 88 degrees 46 minutes 29 seconds West 125.00 feet to the Northwest corner of Lot 4 in said town; thence North 01 degrees 13 minutes 31 seconds West 10.00 feet to the Southwest corner of Lot 14 in said town; thence North 88 degrees 46 minutes 29 seconds East 125.00 feet to the Southeast corner of Lot 15; thence North 01 degrees 13 minutes 31 seconds West 125.00 feet to the Northeast corner of said Lot 15; thence South 88 degrees 46 minutes 29 seconds West 125.00 feet to the Northwest corner of said Lot 14; thence North 01 degrees 13 minutes 31 seconds West 50.00 feet; thence North 88 degrees 46 minutes 29 seconds East 130.00 feet along the North line of Washington Street; thence South 01 degrees 13 minutes 31 seconds East 310.00 feet; thence South 88 degrees 46 minutes 29 seconds West 5.00 feet to the point of beginning, containing 0.21 acres, more or less.

TRACT 2:

The vacation of unimproved Washington Street, the East Half of the unimproved alley at the West side of Lot 2 and Lot 16. ALSO, the vacation of the unimproved alley at the North side of Lots 1 and 2 in the Town of Medford as the same is platted in Plat Book 3, page 64 in the Records of Delaware County, Indiana, described as follows:

Beginning at the Southwest corner of Lot 2 in the Town of Medford; thence South 88 degrees 46 minutes 29 seconds West 5.00 feet (assumed bearing) along the Westerly extension of the South line of said Lot 2; thence North 01 degrees 13 minutes 31 seconds West 310.00 feet parallel with the West line of Lots 2 and 16 in said Town of Medford to the North line of Washington Street; thence North 88 degrees 46 minutes 29 seconds East 130.00 feet along the North line of said street; thence South 01 degrees 13 minutes 31 seconds East 50.00 feet to the Northeast corner of Lot 17 in said town; thence South 88 degrees 46 minutes 29 seconds West 125.00 feet to the Northwest corner of Lot 16 in said town; thence South 01 degrees 13 minutes 31 seconds East 125.00 feet to the Southwest corner of said Lot 16; thence North 88 degrees 46 minutes 29 seconds East 125.00 feet to the Southeast corner of said Lot 17; thence South 01 degrees 13 minutes 31 seconds East 10.00 feet to the Northeast corner of Lot 1 of said town; thence South 88 degrees 46 minutes 29 seconds West 125.00 feet to the Northwest corner of Lot 2; thence South 01 degrees 13 minutes 31 seconds East 125.00 feet to the point of beginning, containing 0.21 acres more or less.

4. The Vacation Area is unimproved.
5. The following names and addresses are all of the owners of land that abuts the Vacation Area:

Jesse A & Kathy E Savana
5560 E CR 500 S
Muncie, IN 47302
18-16-06-376-002.000-020
18-16-06-379-003.000-020

Paul & Sheila Voyles
5620 E COUNTY ROAD 500 S
Muncie, IN 47302
18-16-06-376-007.000-020

18-16-06-379-008.000-020

Susan Felton & Paul Voyles
5610 E COUNTY ROAD 500 S
Muncie, IN 47302
18-16-06-379-005.000-020

6. The vacation of the Vacation Area is subject to any easements of record or otherwise currently and lawfully enjoyed by any and all public utilities, including, but not limited to: water, storm water, drainage, electricity, telecommunications, natural gas, cable television, and internet, which existing easement rights shall survive the vacation.

7. The vacation of the Vacation Area will not:

- (a) hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous;
- (b) make access to the lands of any person by means of public way difficult or inconvenient;
- (c) hinder the public's access to a church, school, or other public building or place; or
- (d) hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

8. Maps highlighting the Vacation Area are attached hereto, made a part hereof, and marked Exhibit "A".

WHEREFORE, the Petitioners, Susan Felton and Paul Voyles, by counsel, DeFur Voran, LLP, respectfully request that the above-described street and alley ways be vacated and revert according to the laws of the State of Indiana, and in the manner described above, by ordinance of the Board of Commissioners of Delaware County, Indiana.

The undersigned Petitioners affirm under the penalties of perjury that the foregoing representations are true to the best of their respective knowledge and belief.

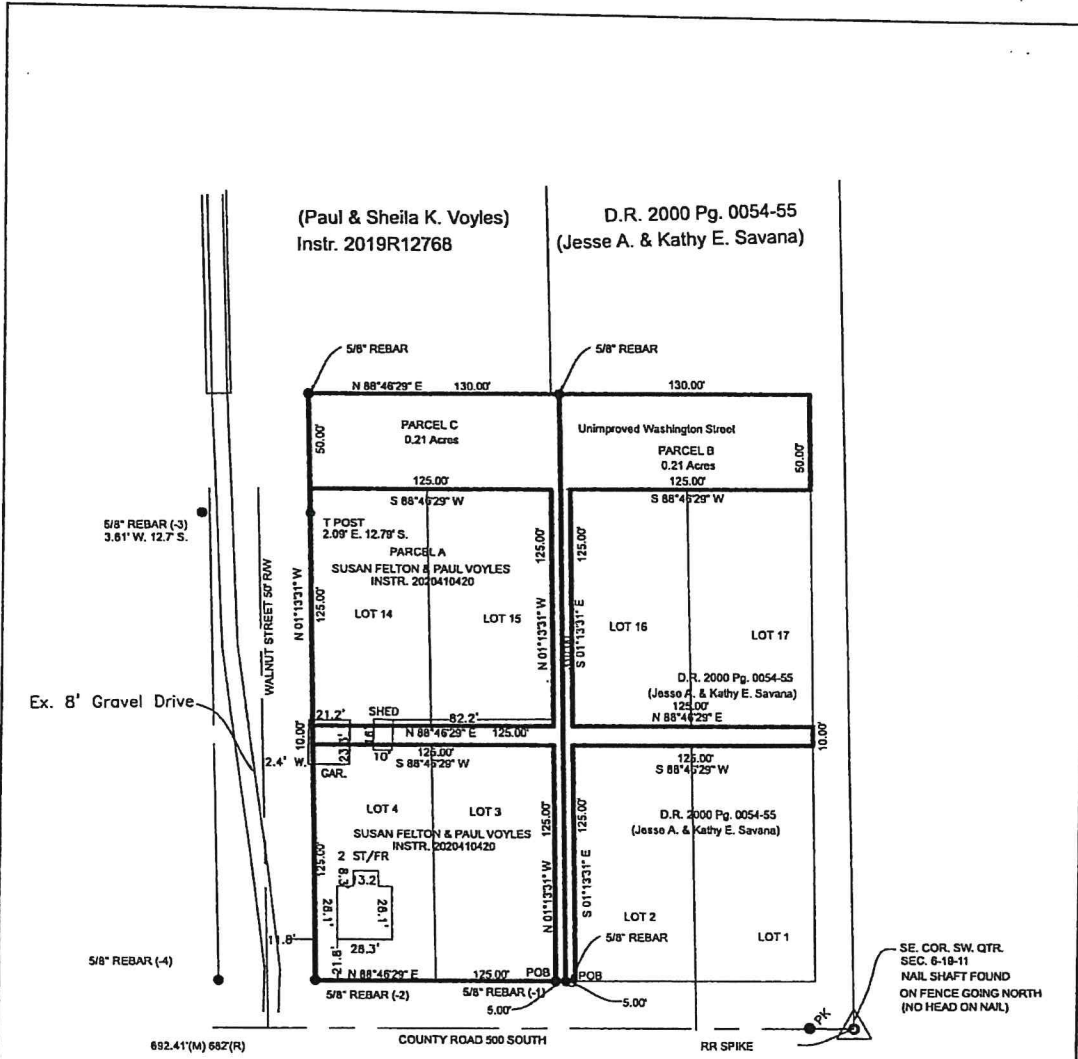
By: _____
Susan Felton
5610 E County Road 500 S
Muncie, IN 47302

DEVOR VORAN LLP

By: _____
Jacob D. O'Conner, ID No. 36064-18
400 S. Walnut St., Suite 200
Muncie, IN 47305
P: 765.288.3651 | F: 765.288.7068
joconner@defur.com
ATTORNEYS FOR PETITIONERS

By: _____
Paul Voyles
5620 E County Road 500 S
Muncie, IN 47302

EXHIBIT A



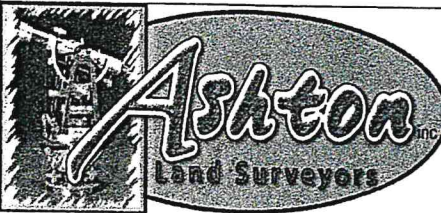
This Instrument Prepared by: Haldon L. Ashton
Accuracy or completeness of subsurface features is not certified.

Revisions	
Date:	
Reason:	
Date:	
Reason:	
Drawn: KLM	
Date: 6/9/2022	
Job: 2022295	
Client: SUSAN FELTON	
Owner: SUSAN FELTON	
Crew: EHA	
Electronic Field Book	
Field Date: 6/3/2022	
IUPPS REF. #	

5610 E. CR 500 SOUTH
MUNCIE INDIANA

SECTION CORNER COORDINATES ARE BASED ON INDIANA STATE PLANE EAST ZONE (NORTH AMERICAN DATUM OF 1983, CORS 96 EPOC 2002.000)

I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW (HALDON L. ASHTON).



1 of 2

EXHIBIT A

Parcel A

Lots 3, 4, 14, and 15 in the Town of Medford as the same is platted in Plat Book 3, page 64 in the Records of Delaware County, Indiana.

Parcel B

The vacation of unimproved Washington Street, the East Half of the unimproved alley at the West side of Lot 2 and Lot 16. ALSO, the vacation of the unimproved alley at the North side of Lots 1 and 2 in the Town of Medford as the same is platted in Plat Book 3, page 64 Records of Delaware County, Indiana, described as follows:

Beginning at the Southwest corner of Lot 2 in the Town of Medford; thence South 88 degrees 46 minutes 29 seconds West 5.00 feet (assumed bearing) along the Westerly extension of the South line of said Lot 2; thence North 01 degrees 13 minutes 31 seconds West 310.00 feet parallel with the West line of Lots 2 and 16 in said Town of Medford to the North line of Washington Street; thence North 88 degrees 46 minutes 29 seconds East 130.00 feet along the North line of said street; thence South 01 degrees 13 minutes 31 seconds East 50.00 feet to the Northeast corner of Lot 17 in said town; thence South 88 degrees 46 minutes 29 seconds West 125.00 feet to the Northwest corner of Lot 16 in said town; thence South 01 degrees 13 minutes 31 seconds East 125.00 feet to the Southwest corner of said Lot 16; thence North 88 degrees 46 minutes 29 seconds East 10.00 feet to the Southeast corner of Lot 1 of said town; thence South 88 degrees 46 minutes 29 seconds West 125.00 feet to the Northwest corner of Lot 2; thence South 01 degrees 13 minutes 31 seconds East 125.00 feet to the point of beginning, containing 0.21 acres.

Parcel C

The vacation of unimproved Washington Street, the West Half of the unimproved alley at the East side of Lots 3 and 15, ALSO the vacation of the unimproved alley at the North side of Lots 3 and 4 in the Town of Medford as the same is platted in Plat Book 3, page 64 Records of Delaware County, Indiana, described as follows:

Beginning at a 3/4 inch rebar at the Southeast corner of Lot 3 in the Town of Medford; thence North 01 degrees 13 minutes 31 seconds West 125.00 feet (assumed bearing) to the Northeast corner of said Lot 3; thence South 88 degrees 46 minutes 29 seconds West 125.00 feet to the Northwest corner of Lot 4 in said town; thence North 01 degrees 13 minutes 31 seconds West 10.00 feet to the Southwest corner of Lot 14 in said town; thence North 88 degrees 46 minutes 29 seconds East 125.00 feet to the Southeast corner of Lot 15; thence North 01 degrees 13 minutes 31 seconds West 125.00 feet to the Northeast corner of said Lot 15; thence South 88 degrees 46 minutes 29 seconds West 125.00 feet to the Northwest corner of said Lot 14; thence North 01 degrees 13 minutes 31 seconds West 50.00 feet; thence North 88 degrees 46 minutes 29 seconds East 310.00 feet; thence South 88 degrees 46 minutes 29 seconds West 5.00 feet to the point of beginning, containing 0.21 acres, more or less.

I hereby certify that to the best of my information, knowledge and belief the within plat represent a survey, executed according to survey requirements in 865 IAC 1-12-7 made under my supervision and completed on June 8, 2022.

Haldon L. Ashton
 Registered Land Surveyor LS80040149
 Haldon L. Ashton



Surveyor's Note

The Relative Positional Accuracy (due to random errors in measurement) of the corners of the subject tract established this survey is within the specifications for a Suburban (more or less 0.13 feet) Survey.

1. In accordance with the Indiana Survey Standards as defined in Indiana Administrative Code 865 IAC 1-12-7 ("Rule 12"), the following opinions and observations are submitted regarding uncertainties in the location of the lines and corners established by this survey as a result of: a. Availability, condition and integrity of reference monuments; b. Record documents; c. Lines of occupation; and d. Measurements (Theoretical Uncertainty).

There may be unwritten rights associated with these uncertainties.

Reference Monuments

- There is railroad spike at the Southeast corner of the Southwest Quarter of Section 6.
- There are iron pins marking the Southwest corner of Lot 7, the Southeast corner of Lot 5, the Southwest corner of Lot 4, and the Southeast corner of Lot 3.
- There is a nail on the South line of the Southwest Quarter at the West right-of-way line of the former C and O Railroad.

Occupation

There is a garage and a small shed encroaching the alley at the North line of Lot 4 and into the right-of-way for Walnut Street as much as 2.4 feet. The alleys and Washington Street are unimproved and should be vacated. It will also be necessary to vacate the street and alley described in Parcel B.

Record Descriptions

Parcel A needs to include Parcel C after the vacation in order to include all the parcel that is being occupied. The bearings shown on this drawing are based on the State Plane Coordinate System, instead of assumed datum.

2. Flood Zone:

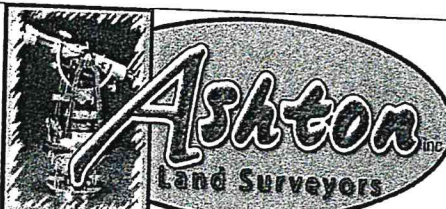
- a. The within tract does not lie within that Special Flood Hazard Zone A as said tract plots by scale on Community Panel #18035C0355D of the Flood Insurance Rate Maps for Delaware County, Indiana (Maps Dated: 07/04/2011).
- b. The minimum flood risk was verified by the INDR Flood Plain Information Portal—dated: June 8, 2022.
- 3. Ownership shown hereon is per County Records or as indicated in title work provided by others.
- 4. The within survey was performed without benefit of evidence of source of title and is subject to any statement of facts revealed by same. This qualification will be removed upon receipt and inspection of current title work and copies of Schedule B items listed herein.

This Instrument Prepared by: Haldon L. Ashton
 Accuracy or completeness of subsurface features is not certified.

Revisions
Date: Reason:
Date: Reason:
Drawn: KLM Date: 6/9/2022 Job: 2022285 Client: SUSAN FELTON Owner: SUSAN FELTON Crew: EHA Electronic Field Book Field Date: 6/3/2022 IUPPS REF. #

5610 E. CR 500 SOUTH
 MUNCIE INDIANA

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 I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW (HALDON L. ASHTON).



331 West Washington Street Muncie, IN 47305
 PH: 317.333.5594 Fax: 317.333.5594
 Email: info@ashtonland.com